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Attorneys for Petitioner RANDOLPH FONG

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

In the Matter of the FONG FAMILY  
 LIVING TRUST dated June 15, 1993

Case No. C13-03021 EDL

RANDOLPH FONG, Beneficiary,  
  
 Petitioner,  
  
 vs.  
  
 PATRICIA BEEHLER, as Co-Trustee  
 and individually; and ROBERT FONG,  
 as Co-Trustee and individually,  
  
 Respondents.

**NOTICE OF MOTION FOR FEES FOR  
 REMAND [28 U.S.C. § 1447(c)];  
 MEMORANDUM OF POINTS &  
 AUTHORITIES; REQUEST FOR JUDICIAL  
 NOTICE**

Date: October 29, 2013  
 Time: 9:00 a.m.  
 Courtroom: Courtroom E – 15th Floor  
 Judge: Honorable Elizabeth D. Laporte

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**NOTICE OF MOTION FOR FEES FOLLOWING REMAND**

YOU ARE HEREBY NOTIFIED THAT on **October 29, 2013, at 9:00.m., at 450 Golden Gate Avenue, San Francisco, CA 94102 in Courtroom E – 15<sup>th</sup> floor**, Petitioner RANDOLPH FONG will move for an order ordering Respondent PATRICIA BEEHLER to pay Petitioner RANDOLPH FONG the sum of \$31,335.00 for attorney fees incurred as a result of the wrongful removal.

The motion will be based on the grounds that this Court found that there was no objectively reasonable basis for Respondent BEEHLER's removal and the fees are just costs incurred as a result of the removal.

The motion will be based upon this notice, the below points & authorities and request for judicial notice, the Declaration of Steven N. H. Wood filed herewith, and such evidence and argument as may be presented at the hearing on the motion.

**MEMORANDUM OF POINTS & AUTHORITIES**

**I. INTRODUCTION**

Respondent PATRICIA BEEHLER removed this case to federal court without any objectively reasonable basis after 20 months of litigation before a state probate court on the eve of possible major unfavorable rulings. It was eleventh-hour forum shopping after disqualification of prior counsel. Respondent wrongfully made a federal case out of this, forcing Petitioner RANDOLPH FONG to incur significant fees to send it back to state probate court where it belongs.

Pursuant to 28 U.S.C. § 1447(c), Petitioner asks this Court to order BEEHLER to reimburse him for all just costs BEEHLER caused him to incur with this removal, which include his attorney's fees totaling \$31,335.00. Petitioner submits all relevant attorney billing records to substantiate that request.

## II. ISSUE TO BE DECIDED

1. What fees should be awarded to Petitioner RANDOLPH FONG for Respondent PATRICIA BEEHLER's objectively unreasonable removal to federal court?

## III. FACTS

Respondent BEEHLER removed FONG's Second Amended Petition from the California Superior Court in and for Alameda County (Probate Division) by filing the Notice of Removal filed herein on July 1, 2013.

This Court found by Order filed on September 16, 2013 that BEEHLER's removal lacked an objectively reasonable basis and ordered the case remanded to the Alameda Superior Court. (Dkt. 20.)

This Court denied Petitioner FONG's request for fees as part of his motion to Remand without prejudice because Petitioner did not submit billing records in support. (Dkt. 20, Order p.8:11-16.)

Petitioner does so now and submits contemporaneous time records. (Declaration of Steven N. H. Wood, filed and served concurrently herewith.) Those records show that Petitioner has incurred and will incur approximately \$31,335.00 in attorney fees as a result of the improper removal. (Wood Decl. and supporting exhibits.)

## IV. ARGUMENT

### A. The Court may require payment of attorney fees incurred as a result of a wrongful removal.

"An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal." 28 U.S.C. § 1447(c).

Federal courts also have authority under FRCP 11 and inherent equitable power to assess attorney fees as sanctions against a party whose litigation conduct is found to be "vexatious" or in "bad faith." *See Roadway Express, Inc. v. Piper*, 447 U.S. 752, 766-767 (1980) (fee award can be proper for bad faith). Under FRCP 11, the attorney's signature on the removal notice constitutes a "certificate" that "to the best of person's knowledge, information, and belief formed after an

inquiry reasonable under the circumstances” the matters stated therein are supportable in fact and law. *Standridge v. Wal-Mart Stores, Inc.*, 945 F.Supp. 252, 254 (N.D.Ga 1996) (removal notice subject to FRCP 11 standards). Thus, an attorney is subject to sanctions for removing an action to federal court without an objectively reasonable basis for doing so. *Ibid.*; 28 U.S.C. § 1446(a); *McKinney v. Board of Trustees of Maryland Comm. College*, 955 F.2d 924, 928 (4th Cir. 1992) (sanctions possible for improper removal); *see also* Schwarzer, et al., *Rutter Group Cal. Prac. Guide: Fed. Civ. Pro. Before Trial* § 2:3400, 2:3826 (The Rutter Group 2013).

A plainly untimely removal notice can be grounds for payment of the other side’s attorney’s fees as sanctions. *See Davis v. Veslan Enterprises*, 765 F.2d 494, 497 (5th Cir. 1985) (sanctions of \$5,855 for attorney’s fees and \$32,988.99 for lost interest were proper to remedy defendants’ removal filed one day before hearing on plaintiff’s motion for judgment).

**B. This Court found that Respondent PATRICIA BEEHLER’s removal lacked any objectively reasonable basis.**

There was no objectively reasonable basis for Respondent BEEHLER’s removal of this case to federal court. There was no diversity (or other) jurisdiction and the removal was clearly untimely. Respondents submitted to the jurisdiction of the state probate court and litigated in it extensively until recently when their prior counsel was disqualified and they faced potentially damaging orders at an upcoming hearing. They then turned to forum-shopping and judge-shopping with their objectively unreasonable eleventh-hour removal.

In its September 16, 2013 Order, this Court found that Respondent BEEHLER removed this case to federal court without any objectively reasonable basis. The Court denied Petitioner FONG’s request for fees without prejudice, however, because Petitioner did not submit billing records to substantiate his fee request and to show that the fees incurred related to Respondent BEEHLER’s removal. (Dkt. 20, Order p. 8:11-16.) Petitioner does so now.

**C. The Court should require Respondent PATRICIA BEEHLER to pay all of Respondent's fees as just costs incurred as a result of her objectively unreasonable removal.**

Respondent PATRICIA removed this case on the ground of diversity, but lacked diversity, and did not remove the case until after nearly 20 months of probate court litigation: after engaging in discovery and several law and motion and probate hearing matters; after the state probate court disqualified Respondents' prior attorney; and (like in *Davis, supra*) on the verge of a potentially damaging hearing regarding a further accounting and possible suspension as trustee and appointment of an interim trustee.

Respondent made a federal case out of this family trust dispute with no objectively reasonable grounds for doing so. This case came to federal court only because of Respondent's gamesmanship tactics and misunderstanding of diversity. As was made clear by the removal, the opposition briefing, and the arguments at court, Respondent BEEHLER does not understand diversity jurisdiction. Respondent should bear the burden of her own errors – not Petitioner. But until this Court remedies that wasteful misunderstanding by ordering the payment of fees for this expensive and needless detour to federal court, he will be so punished. The removal statute (28 U.S.C. § 1447(c)) provides authority to remedy the expense of this frivolous eleventh-hour attempt to escape the forum where this family trust dispute belongs. Petitioner respectfully requests this Court to do so.

Respondent had no objectively reasonable basis for this removal, and Petitioner respectfully respects an award of \$31,335.00 for his attorney fees incurred as a result, and submits contemporaneous time statements to support that request.

**D. The just costs incurred by Petitioner as a result of this wrongful remand include Petitioner's fees totaling \$31,335.**

As detailed and summarized in the Declaration of Wood and its attached billing statements (filed concurrently herewith), Petitioner has incurred \$23,545 in fees to address the removal and remand, \$2,030 to address the motion to dismiss subsequently made moot by the remand, and \$2,760 (to date) for this instant fees motion, for a total of \$28,335 in expenses to date caused by Respondent BEEHLER's wrongful removal to federal court:

Work Category	Hours	Fees
1. Removal/Remand	72.8	\$23,545.00
2. Motion to Dismiss	6.3	\$2,030.00
3. Motion for Fees (to date)	8.8	\$2,760.00
<b>Total</b>	<b>87.6</b>	<b>\$28,335.00</b>

Taken together with the \$3,000 more expected through the conclusion of this motion, Petitioner FONG will incur \$31,335.00 as a result of Respondent BEEHLER's wrongful removal.

## V. CONCLUSION

For all the foregoing reasons, the Court should grant the motion and order Respondent BEEHLER to pay Petitioner FONG the sum of \$31,335 for just costs including attorney's fees incurred relating to BEEHLER's removal, or an alternative sum in the Court's sound discretion.

Respectfully submitted,

Dated: September 21, 2013

BERGQUIST, WOOD, McINTOSH & SETO, LLP

/s/

Steven N.H. Wood, Esq.

Attorneys for Petitioner RANDOLPH FONG

## REQUEST FOR JUDICIAL NOTICE

Petitioner RANDOLPH FONG, by and through his attorney, hereby requests the Court to take judicial notice pursuant to Federal Rule of Evidence 201 of the following facts or documents:

1. The Court's September 16, 2013 Order remanding this case to the Alameda County Superior Court (Dkt. 20), and its ruling that the removal lacked any objectively reasonable basis based on lack of diversity and untimeliness.

Respectfully submitted,

Dated: September 21, 2013

BERGQUIST, WOOD, McINTOSH & SETO, LLP

/s/

Steven N.H. Wood, Esq.

Attorneys for Petitioner RANDOLPH FONG

Steven N.H. Wood, Esq. (CA SBN 161291)  
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Attorneys for Petitioner RANDOLPH FONG

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

In the Matter of the FONG FAMILY  
 LIVING TRUST dated June 15, 1993

Case No. C13-03021 EDL

**DECLARATION OF STEVEN N.H. WOOD  
 IN SUPPORT OF MOTION FOR FEES FOR  
 REMAND**

RANDOLPH FONG, Beneficiary,  
  
 Petitioner,

Date: October 29, 2013  
 Time: 9:00 a.m.  
 Courtroom: Courtroom E – 15th Floor  
 Judge: Honorable Elizabeth D. Laporte

vs.

PATRICIA BEEHLER, as Co-Trustee  
 and individually; and ROBERT FONG,  
 as Co-Trustee and individually,

Respondents.

I, Steven N.H. Wood, declare as follows:

1. I am an attorney duly licensed and authorized to practice law in all of the courts of the State of California and in the United States District Court for the Northern District of California, and am a partner with the law firm of Bergquist, Wood, McIntosh & Seto, LLP, attorneys of record for Petitioner RANDOLPH FONG herein.

2. Attached hereto as **Exhibit A** are true and correct copies (with limited redactions) of my contemporaneous hourly billing statements showing fees incurred as a result of Respondent PATRICIA BEEHLER's removal of this case, including all our time spent to address the removal and secure a remand. These statements show the three general categories of work that were



caused by Respondent's removal: **first**, the removal itself and remand (including reviewing/analyzing the removal, legal research to determine grounds for remand, preparing the motion for remand and supporting declaration, revising the pleadings and declaration, preparing exhibits, finalizing the motion, reviewing and analyzing the opposition briefing, preparing a reply brief, and attending the hearing); **second**, Respondent's Motion to Dismiss, including emails about that motion, work to continue that hearing because it would be made moot by a successful motion to remand, and a brief opposition pending a final ruling on the motion to remand; and **third**, the instant motion for attorney's fees, including estimated time for responding to an opposition and preparing a reply, and attending the hearing. These work categories are denoted on the billing statements by "1," "2," and "3," as applicable. Also, where applicable, time has been deducted for State-court-related work, as shown.

3. Attached hereto as **Exhibit B**, for the Court's convenience, is an itemized extraction and categorized summary of the applicable portions of our contemporaneous hourly billing statements, excluding state court work and isolating the the specific fees, and sorted with totals by (B-1) chronological entries, (B-2) work category, and (B-3) attorney. The totals by category (Exhibit B-2) are as follows:

Work Category	Hours	Fees
1. Removal/Remand	72.8	\$23,545.00
2. Motion to Dismiss	6.3	\$2,030.00
3. Motion for Fees (to date)	8.8	\$2,760.00
<b>Total</b>	<b>87.6</b>	<b>\$28,335.00</b>

4. I have been practicing law in California for over 20 years, a substantial portion of which has been devoted to estate planning and trust/estate litigation. My standard billable rate of \$350 per hour is consistent with comparable prevailing hourly rates in the community and I believe it is a fair and reasonable rate for the services rendered in this case.

5. My contract associate attorney Christopher Schweickert has been practicing law in California for 10 years, a substantial portion of which has been devoted to trust/estate litigation.

1 His standard billable rate of \$300 per hour is consistent with comparable prevailing hourly rates in  
2 the community and I believe it is a fair and reasonable rate for the services rendered in this case.

3 6. As shown on the attached statements, I spent 41.1 hours to date as a result of the  
4 removal/remand, the motion to dismiss subsequently rendered moot by remand, and this motion  
5 for fees, which totals \$14,385.00 at my normal billable rate. (See **Exhibit B-3.**)

6 7. As shown on the attached statements, on information and belief Christopher  
7 Schweickert spent 46.5 hours researching and preparing the motion to remand and addressing the  
8 now-moot motion to dismiss and this motion for fees, which totals \$13,950.00 at his normal  
9 billable rate. (See **Exhibit B-3.**)

10 8. Therefore, as result of the removal, in having to respond thereto including meeting  
11 court requirements and researching and preparing the motion to remand, Petitioner FONG has  
12 incurred attorney fees of \$28,335.00.

13 9. In addition, I expect to spend another 3.0 hours analyzing the opposition papers and  
14 preparing a reply, and 3.0 hours attending the hearing, for a total of 6.0 more hours, or \$2,100.00  
15 at my normal billable rate. I also expect Christopher Schweickert to spend another 3.0 hours  
16 addressing the opposition and reply, for a total of \$900.00 at his normal billable rate, or a total of  
17 \$3,000.00 more for the rest of this motion for fees.

18 10. Therefore, as a result of the removal, including the motion to remand and this  
19 motion for fees, Petitioner FONG will incur total attorney fees of approximately \$31,335.00.

20 I declare under penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct and based upon my personal knowledge, except for those matters  
22 stated on information and belief and I believe those are true.

23 /s/

24 Dated: September 21, 2013

25 \_\_\_\_\_  
Steven N.H. Wood

9/20/2013  
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Slip Listing

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## Selection Criteria

Acti.Selection Include: Legal Services  
 Slip.Date 7/8/2013 - Latest  
 Time.Selection Include: CJS; SNHW  
 Clie.Selection Include: Fong/Trust  
 Clie.Selection Include: Fong/Trust  
 Slip.Classification Open  
 Clie.Selection Include: Fong/Trust

work categories  
 ① Removal/Remand  
 ② Mtn. Dismiss  
 ③ Mtn. fees

Rate Info - identifies rate source and level

Slip ID	Timekeeper	Units	Rate	Slip Value	
Dates and Time	Activity	DNB Time	Rate Info		
Posting Status	Client		Bill Status		
Description		Variance			
25365	TIME	SNHW	2.30	350.00	805.00
7/8/2013	Legal Services	0.00	T@3		
Billed	G:21844	8/5/2013	Fong/Trust		
Receive email from Brilliant agreeing to accept service for Pat but not Bob; email to Brilliant regarding same; email to Randy regarding same and notice of removal to federal court and need for legal research by Attorney Schweickert regarding fighting removal;		0.00			
		-0.2			
		-0.2			
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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
	Posting Status	Activity	DNB Time	Rate Info	
	Description	Client	Variance	Bill Status	
①	[REDACTED]; conference with Attorney Schweickert regarding Motion to Remand strategy; prepare Exhibits for Motion to Remand.				
25399	TIME	CJS	0.80	300.00	240.00
7/10/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Prepare motion to remand (confer with Attorney Wood to identify and formulate key evidence and exhibits to present via declaration and strategize grounds for remand and points & authorities).				
25387	TIME	SNHW	0.70	350.00	245.00
7/11/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Email from Brilliant regarding responsive pleading stipulation; email to Brilliant regarding same; [REDACTED]; receive notice from Brilliant regarding federal court via email; forward same to Randy.				
25392	TIME	SNHW	2.40	350.00	840.00
7/12/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Begin to prepare Declaration in Support of Motion for Remand with Exhibits and background facts; message from Brilliant regarding Stipulation; review and sign Stipulation regarding time to respond and return to Brilliant; [REDACTED] email to Attorney Schweickert with draft Declaration of Wood in Support of Motion for Remand.				
25400	TIME	CJS	0.50	300.00	150.00
7/12/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Research FRCP 15, 28 USC 1447, and Rutter CA Fed Civ Pro to determine effect of extension on remand motion; emails with Attorney Wood about same and attorney's fees request in motion.				
25401	TIME	CJS	0.60	300.00	180.00
7/13/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Continue to prepare motion to remand (prepare introduction and arguments).				
25403	TIME	CJS	3.40	300.00	1020.00
7/14/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Research and analyze grounds for remand in Rutter CA Fed Civ Pro; prepare arguments (untimely removal, local defendant, diversity of citizenship, probate abstention) and draft points & authorities;				

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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
	Posting Status	Activity	DNB Time	Rate Info	
	Description	Client	Variance	Bill Status	
	email to Attorney Wood about same.				
25408	TIME	SNHW	0.30	350.00	105.00
7/15/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Email from USDC with filed Stipulation regarding Response deadline; email from and email to Attorney Schweickert regarding jury demand; email from Attorney Schweickert with draft Motion for Remand.		0.00		
25404	TIME	CJS	2.80	300.00	840.00
7/15/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Further research grounds for remand and prepare arguments (burden of proof on respondents to prove proper removal; 28 USC 1332, 1441, 1442, 1447 on removal/diversity/procedural defects; attorney's fees request; untimely removal; decedent's state as administrator's; federal abstention under probate exception); confer with Attorney Wood to strategize arguments.		0.00		
25410	TIME	SNHW	3.30	350.00	1155.00
7/16/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Email from Attorney Schweickert with draft 2 Motion to Remand and further points to address; [REDACTED] email from USDC with Joinder by Cindy; further revise Declaration to include residences for parties, and Cindy's joinder and email to Attorney Schweickert with same; email to Attorney Schweickert regarding Motion for Remand.		0.00		
25414	TIME	CJS	0.20	300.00	60.00
7/16/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Further prepare arguments (confer with Attorney Wood to analyze effect of Cynthia's joinder on diversity jurisdiction and refine arguments about local defendant, untimely removal, and probate exception abstention).		0.00		
25415	TIME	CJS	5.70	300.00	1710.00
7/17/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Further prepare motion to remand (revise/refine arguments on diversity, untimely removal, local defendant, and probate exception); revise declaration of Attorney Wood and prepare exhibits; confer with Attorney Wood about arguments; Further prepare motion to remand (prepare TOA and TOC; research judge Laporte's standing order; research local rules		0.00		

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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
	Posting Status	Activity	DNB Time	Rate Info	
	Description	Client	Variance	Bill Status	
①	(and conform motion to same; prepare statement of issues; prepare notice of motion; finalize declaration; finalize motion; email to Attorney Wood).				
25416	TIME	SNHW	1.20	350.00	420.00
7/17/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Further review and revise Declaration for Remand and email to Attorney Schweickert; email from Attorney Schweickert with revised Points & Authorities for Motion for Remand; minor revisions to P & As; email to Randy with draft Declaration and P & As for Motion for Remand for review and input.				
25427	TIME	SNHW	3.90	350.00	1365.00
7/18/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	[REDACTED]; review issue of consenting to Magistrate Judge Laporte; prepare and file Consent to Magistrate Judge; continue to review and revise Declaration and Points & Authorities for Motion for Remand; conference with Attorney Schweickert regarding same; email from USDC with notice Cynthia's Consent to Magistrate.				
25473	TIME	CJS	1.60	300.00	480.00
7/18/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Prepare declaration supporting request for attorney's fees; revise and finalize documents and exhibits for filing; confer with Attorney Wood to finalize motion.				
25436	TIME	SNHW	0.40	350.00	140.00
7/19/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Conference with Attorney Schweickert regarding Motion for Remand, including Request Judicial Notice and Proposed Order.				
25474	TIME	CJS	6.30	300.00	1890.00
7/19/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	Finalize points & authorities: refine/finalize factual statements and Wood declaration; confirm judge's standing orders and local rules regarding motion submission requirements; confer with Attorney Wood to strategize arguments and refine fact statements; prepare requests for judicial notice; add citations for Cal. PrC 1220 service and CCP 350 intitation; skim case holdings, check citations, and prepare case summary parantheticals for 26 cited cases on removal procedure and burdens of proof, diversity jurisdiction, local defendant rule, and probate exception; integrate further points, quotes, and				



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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
	Posting Status	Activity	DNB Time	Rate Info	
	Description	Client	Variance	Bill Status	
①	(arguments from cited cases to brief; email to Attorney Wood about revisions.				
25440	TIME	SNHW	3.70	350.00	1295.00
7/22/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	(Email from Attorney Schweickert with draft 8 of Motion to Remand, Declaration of Wood and Proposed Order; review and revise all; telephone conference with Attorney Schweickert regarding final points; finalize and arrange for filing of Motion to Remand; email to Randy---Motion to Remand filed; email from court Notice of filed Motion to Remand and Response deadlines.				
25475	TIME	CJS	0.70	300.00	210.00
7/22/2013		Legal Services	0.00	T@3	
Billed	G:21844	8/5/2013 Fong/Trust			
①	(Finalize motion for filing (confer with Attorney Wood to strategize findings in proposed order and finalize citations and parentheticals; emails with Kim about filing and chambers copy).				
25558	TIME	CJS	0.60	300.00	180.00
8/5/2013		Legal Services	0.00	T@3	
Billed	G:21853	8/22/2013 Fong/Trust			
②	(Strategize reponse to motion to dismiss and hearing continuance issues with Attorney Wood and research CAND local rules (Rutter CAFEDCIVP ch. 12-C) on response deadline and continuance procedure;				
①	(review opposition to motion to remand and outline reply arguments				
25495	TIME	SNHW	0.30	350.00	105.00
8/5/2013		Legal Services	0.00	T@3	
Billed	G:21853	8/22/2013 Fong/Trust			
②	(Email notice from United States District Court (USDC) of Pat's filing Motion to Dismiss Second Amended Petition (SAP); email from Brillant requesting continuance of Motion to Remand hearing; conference with Attorney Schweickert regarding response to Motion to Dismiss; email to Brillant with stipulation to continue and request continuance Motion to Dismiss deadlines and hearing; email to Randy regarding same; email from USDC with Brillant's Opposition to Motion to Remand; forward same to Randy; email to Attorney Schweickert regarding prepare Reply to Motion to Remand.				
25496	TIME	SNHW	2.20	350.00	770.00
8/6/2013		Legal Services	0.00	T@3	
Billed	G:21853	8/22/2013 Fong/Trust			
②	(email from Brillant agreeing to our extension request regarding Motion to Dismiss; forward same to				

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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
	Posting Status	Activity	DNB Time	Rate Info	
	Description	Client	Variance	Bill Status	
②	Randy; email to Attorney Schweickert to prepare Stipulation; <del>email from Brillant with letter to Probate Court judge requesting 8/14 hearing off calendar because removal; telephone call to Tom T. regarding same---left message; email to Brillant regarding letter to court overlooking Cindy's Petition; email from and email to Brillant regarding same; conference with</del>		- 0.8		
①	Attorney Schweickert regarding [REDACTED]				
②	Reply for Motion to Remand; email from Attorney Schweickert with rules regarding Stipulation and Order; review and revise draft Stipulation and Order from Attorney Schweickert and email same to Brillant to sign and return.				
25514	TIME	CJS	0.80	300.00	240.00
8/6/2013		Legal Services	0.00	T@3	
Billed	G:21853 8/22/2013	Fong/Trust			
②	Emails about rescheduling hearings; research California Northern District (CAND) local rules on stipulation/notice/order requirements for same and email results to Attorney Wood; prepare stipulation to continue hearings on motion to remand and motion to dismiss; Analyze opposition to motion to remand and strategize response with Attorney Wood.		0.00		
①					
25501	TIME	SNHW	0.40	350.00	140.00
8/7/2013		Legal Services	0.00	T@3	
Billed	G:21853 8/22/2013	Fong/Trust			
②	Email to Brillant regarding Stipulation (2); email from Brillant agreeing to follow up; conference with Attorney Schweickert regarding Reply to Motion to Remand.		0.00		
①					
25507	TIME	SNHW	0.30	350.00	105.00
8/8/2013		Legal Services	0.00	T@3	
Billed	G:21853 8/22/2013	Fong/Trust			
②	Receive signed Stipulation and Order from Brillant via email, forward same to Randy; arrange for filing same with court; email from court with notice of filing same, forward to Randy.		0.00		
①					
25521	TIME	SNHW	1.60	350.00	560.00
8/9/2013		Legal Services	0.00	T@3	
Billed	G:21853 8/22/2013	Fong/Trust			
①	Review Brillant's Opposition to Motion to Remand in prep for our Reply; email to Attorney Schweickert with points for Reply; conference with and email to Attorney Schweickert regarding no response to Stipulation & Order so Motion to Dismiss Opposition still due Wed 8/14 until hear from Judge; arrange to contact judge to rule on Stipulation; telephone call to Tom T. regarding status and possible letter to state court regarding status; email from and email to Attorney Schweickert flushing out issues for Reply to Motion to Remand.		0.00		
②			- 0.1		
①					



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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
	Posting Status	Activity	DNB Time	Rate Info	
	Description	Client	Variance	Bill Status	
25518	TIME	CJS	4.90	300.00	1470.00
8/9/2013		Legal Services	0.00	T@3	
Billed	G:21853	8/22/2013 Fong/Trust			
Begin preparing reply to opposition to motion to remand; read and analyze opposition brief arguments; review motion brief; confer with Attorney Wood to analyze arguments, distill issues, and identify research issues; research and draft arguments on diversity (research/cite pleadings), further joinder not necessary (CCP 378-379, Barak 2006 case, CACIVP ch. 2-C and 9(I)-B), untimely removal under 1446(b) vs. (c) 30-day/1-year limits (Ritchey 1998 case on no 1-year limit when initial case removable); lack of evidence of citizenship for local defendants rule.			0.00		
25519	TIME	CJS	3.70	300.00	1110.00
8/10/2013		Legal Services	0.00	T@3	
Billed	G:21853	8/22/2013 Fong/Trust			
Further prepare reply brief: examine 28 USC 1446 and recent amendments, Ritchey (1998) and citing cases, and Rutter CAFEDCIVP ch. 2D-7 to draft arguments about untimely removal; research and draft arguments about waiver of federal removal; email to Attorney Wood about section 1446 timeliness issues; research PrC 1220, Rutter CAFEDCIVP ch. 3-D and 5-A, and Fed. Deposit (1992) and Broadcast (1987) cases to draft argument about service accomplished and objections waived; draft argument about legal rep of estate/trust as citizen of CA and Respondents' failure to meet burdens of proof; refine issues statement; check local rules 7-3 and 7-4 on reply brief requirements; email to Attorney Wood with latest draft and question about effect of change from trustee to personal claims.			0.00		
25528	TIME	SNHW	6.10	350.00	2135.00
8/12/2013		Legal Services	0.00	T@3	
Billed	G:21853	8/22/2013 Fong/Trust			
[REDACTED]			0.00		
[REDACTED]; email from Attorney Schweickert with draft Reply for Motion to Remand; email from Randy regarding status; review and revise draft Reply; conference with Attorney Schweickert regarding same; email from USDC with modified Stipulation and Order; email from Brilliant with notice of Motion for Judgment on Pleadings on Cindy's Petition; emails with Brilliant debating merits; email to Randy with near-final Reply Brief.					

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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
	Posting Status	Activity	DNB Time	Rate Info	
	Description	Client	Variance	Bill Status	
25559	TIME	CJS	4.30	300.00	1290.00
	8/12/2013	Legal Services	0.00	T@3	
	Billed G:21853 8/22/2013	Fong/Trust			
	Confer with Attorney Wood to revise brief and prepare arguments emphasizing Respondents' failure to meet burden of proof and conflation of diversity/local defendant rules; gather additional cites to record to support arguments; research and argue 28 USC 1332(c)(2) materials applying rule on citizenship for diversity in will cases to trust cases; analyze and and argue application of 1446(b), (c) untimely removal bar; check/summarize Brown v. Tokio case holding on same; final revisions to brief; finalize TOA/TOC and submit brief for filing with copy to client.		0.00		
25560	TIME	CJS	2.10	300.00	630.00
	8/13/2013	Legal Services	0.00	T@3	
	Billed G:21853 8/22/2013	Fong/Trust			
	Prepare authorities binder for motion argument; research LR 5-1 and 7-3 requirements and emails to submit proposed order for motion to remand to court and chambers copy; emails with Attorney Wood and research LR's, EDL's standing orders, and universal standing orders to determine tentative ruling procedure; identify, assemble, and summarize key cases, statutes, and materials for motion authorities binder for oral argument; confer with Kim to assemble same.		0.00		
25532	TIME	SNHW	2.10	350.00	735.00
	8/13/2013	Legal Services	0.00	T@3	
	Billed G:21853 8/22/2013	Fong/Trust			
	Email from Attorney Schweickert with final Reply filed; email from USDC with notice of Reply filed and served; review final Reply---arrange to prepare binder for Motion to Remand hearing; telephone call from Randy regarding status including issues for Motion to Remand and overall strategies;		0.00		
25540	TIME	SNHW	1.30	350.00	455.00
	8/15/2013	Legal Services	0.00	T@3	
	Billed G:21853 8/22/2013	Fong/Trust			
	Receive and review Peremptory Challenge filed by Trustees against Judge Castellanos; receive and review Brilliant's Motion for Judgement on Pleadings (MJOP) against Cindy's Petition; email to Randy with Motion for Judgment on Pleadings and Peremptory Challenge.		0.00		
	email to Attorney Schweickert to legal research attack on challenge; telephone conference with Tagliarini regarding MJOP and Challenge; email Notice from USDC with Robert Fong's consent to Magistrate Judge.				

-1.2

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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
	Posting Status	Activity	DNB Time	Rate Info	
	Description	Client	Variance	Bill Status	
25561	TIME	CJS	1.70	300.00	510.00
8/15/2013		Legal Services	0.00	T@3	
Billed	G:21853	Fong/Trust			
	8/22/2013		0.00		
Review challenge to Judge Castellanos and Motion for Judgment on Pleadings by Respondents and emails from Attorney Wood about objection to same; research CACIVP CH. 9(I)-D and CCP 170.1, 170.3, 170.6 to determine basis for challenge and potential grounds to object; research Estate of Lowrie and Lickter cases and related statutes on basis for interested person standing for petition in response to motion for judgment on pleadings; summarize results and email options to Attorney Wood.			-1.7		
25562	TIME	CJS	3.20	300.00	960.00
8/16/2013		Legal Services	0.00	T@3	
Billed	G:21853	Fong/Trust			
	8/22/2013		0.00		
Confer with Attorney Wood to determine nature of challenge and basis for objections to peremptory challenge; examine CCP 170.6(a)(2) grounds and procedure and CACIVP and prepare objections; email to Attorney Wood to identify grounds for objections and refine arguments; read objections by Attorney Tagliarini and coordinate objections on jurisdiction, standing, and timeliness; further prepare objections and email to Attorney Wood.			-3.2		
25542	TIME	SNHW	1.40	350.00	490.00
8/16/2013		Legal Services	0.00	T@3	
Billed	G:21853	Fong/Trust			
	8/22/2013		0.00		
Emails with Attorney Schweickert regarding grounds and standing for opposing Brilliant's Challenge to Judge Castellanos; message from Tom T. regarding Objection to Brilliant's Challenge; email from Tom T. with his Objection; conference with Attorney Schweickert regarding same and points we want to make in our objection; telephone conference with Tom T. regarding our Objection; conference with Attorney Schweickert to refine points for Objections.			-1.4		
25543	TIME	SNHW	1.70	350.00	595.00
8/19/2013		Legal Services	0.00	T@3	
Billed	G:21853	Fong/Trust			
	8/22/2013		0.00		
Receive and review revised Objection to 170.6 Challenge from Tom Tagliarini; review, revise and file Objection to Brilliant's Challenge for Randy; email from Tom T. with further revised and file Objections by Gindy.			-1.7		
25564	TIME	CJS	0.10	300.00	30.00
8/19/2013		Legal Services	0.00	T@3	
Billed	G:21853	Fong/Trust			
	8/22/2013		0.00		
Confer with Attorney Wood to finalize objections to challenge; prepare proof of service.			-0.1		

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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
Posting Status		Activity	DNB Time	Rate Info	
Description		Client	Variance	Bill Status	
25583	TIME	CJS	0.10	300.00	30.00
8/19/2013		Legal Services	0.00	T@3	
WIP		Fong/Trust			
[REDACTED]			0.00		
			-0.1		
25569	TIME	SNHW	1.40	350.00	490.00
8/22/2013		Legal Services	0.00	T@3	
Billed	G:21895	Fong/Trust			
9/4/2013					
Email from Randy			0.00		
[REDACTED]					
email to Randy					
[REDACTED]					
25609	TIME	SNHW	0.10	350.00	35.00
8/29/2013		Legal Services	0.00	T@3	
Billed	G:21895	Fong/Trust			
9/4/2013					
Conference with Attorney Schweickert regarding			0.00		
Tentative Ruling and possible decision by USDC on					
Motion to Remand without hearing.					
25616	TIME	CJS	0.10	300.00	30.00
8/29/2013		Legal Services	0.00	T@3	
Billed	G:21895	Fong/Trust			
9/4/2013					
Strategize options for peremptory challenge and			0.00		
arguments for remand hearing and further fees					
request with Attorney Wood.					
25632	TIME	SNHW	4.80	350.00	1680.00
9/3/2013		Legal Services	0.00	T@3	
WIP		Fong/Trust			
Prepare for hearing Motion to Remand; travel to and			0.00		
from hearing Motion to Remand in SF; attend					
hearing---matter taken under submission, though					
court leaning toward remand but unsure about fees;					
status email to Randy					
25638	TIME	SNHW	0.10	350.00	35.00
9/4/2013		Legal Services	0.00	T@3	
WIP		Fong/Trust			
Conference with Attorney Schweickert regarding			0.00		
Motion to Remand.					
25653	TIME	CJS	0.20	300.00	60.00
9/4/2013		Legal Services	0.00	T@3	
WIP		Fong/Trust			
[REDACTED]			0.00		
			-0.2		
25672	TIME	SNHW	2.10	350.00	735.00
9/16/2013		Legal Services	0.00	T@3	
WIP		Fong/Trust			
Telephone call to Attorney Schweickert regarding			0.00		
Opposition to Motion to Dismiss due if no order on					

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Slip ID	Dates and Time	Posting Status	Description	Timekeeper Activity Client	Units DNB Time	Rate Rate Info Bill Status	Slip Value
					Variance		
			Motion to Remand; [REDACTED]; forward same to Randy and discuss same and strategy on Opposition to Motion to Dismiss---emt Attorney Schweickert regarding Opposition to Motion to Dismiss; email from USDC with Order regarding motion to Remand; review same; email to Randy and Attorney Schweickert regarding same and Motion for Fees; [REDACTED].		-0.4		
25685	TIME			CJS	0.70	300.00	210.00
	9/16/2013			Legal Services	0.00	T@3	
	WIP			Fong/Trust			
			(2) Amls and voicemails with Attorney Wood to strategize opposition to motion to dismiss; analyze (1) order granting motion to remand; prepare opposition (2) to motion and email to Attorney Wood.		0.00		
25678	TIME			SNHW	0.90	350.00	315.00
	9/17/2013			Legal Services	0.00	T@3	
	WIP			Fong/Trust			
			(2) Email from Attorney Schweickert with draft Opposition to Motion to Dismiss; revise and email to Attorney Schweickert with revised Opposition and comments; (1) email from USDC with Notice of Remand to State Court; email from and email to Randy [REDACTED] (2) [REDACTED] telephone conference with (3) Attorney Schweickert regarding Opposition to Motion (2) to Dismiss and strategies on Motion for Fees; arrange for filing of Opposition with USDC; email from USDC with confirmation Opposition to Motion to Dismiss filed.		0.00		
25686	TIME			CJS	2.10	300.00	630.00
	9/19/2013			Legal Services	0.00	T@3	
	WIP			Fong/Trust			
			(3) Prepare motion for fees (confer with Attorney Wood to strategize motion; prepare points & authorities; prepare declaration).		0.00		
25689	TIME			SNHW	0.30	350.00	105.00
	9/19/2013			Legal Services	0.00	T@3	
	WIP			Fong/Trust			
			State Receive and review Reply to MJOP by Brilliant, and forward in email to Randy.		0.00		
25693	TIME			CJS	4.30	300.00	1290.00
	9/20/2013			Legal Services	0.00	T@3	
	WIP			Fong/Trust			
			(3) Further prepare motion for fees (further prepare 9/20/13 points & authorities and declaration of Attorney Wood; prepare fees detail background).		0.00		

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Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client		Bill Status	
Description		Variance		
25694	SNHW	1.90	350.00	665.00
9/20/2013	Legal Services	0.00	T@3	
WIP	Fong/Trust			
③ ( Revise and finalize Motion for Fees.		0.00		
Grand Total				
	Billable	100.80		32690.00
	Unbillable	0.00		0.00
	Total	100.80		32690.00



Fong/Trust  
 Fees for Respondent BEEHLER's removal  
**Exhibit B-1 - Sort by Chronological Entry**

Categories: 1=Removal/Remand  
 2=Motion to Dismiss  
 3=Motion for Fees

Category	Date	Work	Timekeeper	Hours	Rate	Value
1	7/8/13	Email to Randy regarding [service] and notice of removal to federal court and need for legal research by Attorney Schweickert regarding fighting removal; email from US District Court regarding filing of Removal by Brilliant and Court's Order regarding Case Management Conference and ADR, forward all to Randy via email with recommendation to fight removal; telephone call from Randy regarding removal and strategies to attack; email to Randy confirming plan to attack removal; email to Attorney Schweickert regarding grounds for removal	SNHW	1.9	350.00	\$665.00
1	7/9/13	Email from and email to Attorney Schweickert regarding Motion to Remand; telephone call from Attorney Schweickert regarding Motion to Remand and allocation of tasks.	SNHW	0.5	350.00	\$175.00
1	7/9/13	Emails and confer with Attorney Wood to strategize motion to remand (understand background facts; identify grounds to remand; strategize arguments).	CJS	0.3	300.00	\$90.00
1	7/10/13	Gather State court pleadings to prepare Declaration for Motion to Remand; conference with Attorney Schweickert regarding Motion to Remand strategy; prepare Exhibits for Motion to Remand.	SNHW	1.3	350.00	\$455.00
1	7/10/13	Prepare motion to remand (confer with Attorney Wood to identify and formulate key evidence and exhibits to present via declaration and strategize grounds for remand and points & authorities).	CJS	0.8	300.00	\$240.00
1	7/11/13	Email from Brilliant regarding responsive pleading stipulation; email to Brilliant regarding same; receive notice from Brilliant regarding federal court via email; forward same to Randy.	SNHW	0.7	350.00	\$245.00
1	7/12/13	Begin to prepare Declaration in Support of Motion for Remand with Exhibits and background facts; message from Brilliant regarding Stipulation; review and sign Stipulation regarding time to respond and return to Brilliant; email to Attorney Schweickert with draft Declaration of Wood in Support of Motion	SNHW	2.4	350.00	\$840.00
1	7/12/13	Research FRCP 15, 28 USC 1447, and Rutter CA Fed Civ Pro to determine effect of extension on remand motion; emails with Attorney Wood about same and attorney's fees request in motion.	CJS	0.5	300.00	\$150.00
1	7/13/13	Continue to prepare motion to remand (prepare introduction and arguments).	CJS	0.6	300.00	\$180.00
1	7/14/13	Research and analyze grounds for remand in Rutter CA Fed Civ Pro; prepare arguments (untimely removal, local defendant, diversity of citizenship, probate abstention) and draft points & authorities; email to Attorney Wood about same.	CJS	3.4	300.00	\$1,020.00
1	7/15/13	Email from USDC with filed Stipulation regarding Response deadline; email from and email to Attorney Schweickert regarding jury demand; email from Attorney Schweickert with draft Motion for Remand.	SNHW	0.3	350.00	\$105.00

1	7/15/13	Further research grounds for remand and prepare arguments (burden of proof on respondents to prove proper removal; 28 USC 1332,1441,1442,1447 on removal/diversity/procedural defects; attorney's fees request; untimely removal; decedent's state as administrator's; federal abstention under probate exception); confer with Attorney Wood to strategize arguments.	CJS	2.8	300.00	\$840.00
1	7/16/13	Email from Attorney Schweickert with draft 2 Motion to Remand and further points to address; email from USDC with Joinder by Cindy; further revise Declaration to include residences for parties, and Cindy's joinder and email to Attorney Schweickert with same; email to Attorney Schweickert regarding Motion for Remand.	SNHW	3.3	350.00	\$1,155.00
1	7/16/13	Further prepare arguments (confer with Attorney Wood to analyze effect of Cynthia's joinder on diversity jurisdiction and refine arguments about local defendant, untimely removal, and probate exception abstention).	CJS	0.2	300.00	\$60.00
1	7/17/13	Further prepare motion to remand (revise/refine 0.00 arguments on diversity, untimely removal, local defendant, and probate exception); revise declaration of Attorney Wood and prepare exhibits; confer with Attorney Wood about arguments; Further prepare motion to remand (prepare TOA and TOC; research Judge Laporte's standing order; research local rules and conform motion to same; prepare statement of issues; prepare notice of motion; finalize declaration; finalize motion; email to Attorney Wood).	CJS	5.7	300.00	\$1,710.00
1	7/17/13	Further review and revise Declaration for Remand and email to Attorney Schweickert; email from Attorney Schweickert with revised Points & Authorities for Motion for Remand; minor revisions to P &As; email to Randy with draft Declaration and P & As for Motion for Remand for review and input.	SNHW	1.2	350.00	\$420.00
1	7/17/13	Review issue of consenting to Magistrate Judge Laporte; prepare and file Consent to Magistrate Judge; continue to review and revise Declaration and Points & Authorities for Motion for Remand; conference with Attorney Schweickert regarding same; email from USDC with notice Cynthia's Consent to Magistrate.	SNHW	3.9	350.00	\$1,365.00
1	7/18/13	Prepare declaration supporting request for attorney's fees; revise and finalize documents and exhibits for filing; confer with Attorney Wood to finalize motion.	CJS	1.6	300.00	\$480.00
1	7/18/13	Conference with Attorney Schweickert regarding Motion for Remand, including Request Judicial Notice and Proposed Order.	SNHW	0.4	350.00	\$140.00
1	7/19/13	Finalize points &authorites: refine/finalize factual statements and Wood declaration; confirm judge's standing orders and local rules regarding motion submission requirements; confer with Attorney Wood to strategize arguments and refine fact statements; prepare requests for judicial notice; add citations for Cal. PrC 1220 service and CCP 350 intitation; skim case holdings, check citations, and prepare case summary parantheticals for 26 cited cases on removal procedure and burdens of proof, diversity jurisdiction, local defendant rule, and probate exception; integrate further points, quotes, and arguments from cited cases to brief; email to Attorney Wood about revisions.	CJS	6.3	300.00	\$1,890.00

Fong/Trust

Fees for Respondent BEEHLER's removal

**Exhibit B-1 - Sort by Chronological Entry****Page 2 of 6**



1	7/22/13	Email from Attorney Schweickert with draft 8 of Motion to Remand, Declaration of Wood and Proposed Order; review and revise all; telephone conference with Attorney Schweickert regarding final points; finalize and arrange for filing of Motion to Remand; email to Randy Motion to Remand filed; email from court Notice of filed Motion to Remand and Response deadlines.	SNHW	3.7	350.00	\$1,295.00
1	7/22/13	Finalize motion for filing (confer with Attorney Wood to strategize findings in proposed order and finalize citations and parentheses; emails with Kim about filing and chambers copy).	CJS	0.7	300.00	\$210.00
2	8/5/13	Strategize reponse to motion to dismiss and hearing continuance issues with Attorney Wood and research CAND local rules (Rutter CAFEDCIVP ch. 12-C) on response deadline and continuance procedure	CJS	0.3	300.00	\$90.00
1	8/5/13	Review opposition to motion to remand and outline reply arguments	CJS	0.3	300.00	\$90.00
2	8/5/13	Email notice from United States District Court (USDC) of Pat's filing Motion to Dismiss Second Amended Petition (SAP); email from Brilliant requesting continuance of Motion to Remand hearing; conference with Attorney Schweickert regarding response to Motion to Dismiss; email to Brilliant with stipulation to continue and request continuance Motion to Dismiss deadlines and hearing; email to Randy regarding same	SNHW	0.2	350.00	\$70.00
1	8/5/13	Email from USDC with Brilliant's Opposition to Motion to Remand; forward same to Randy; email to Attorney Schweickert regarding prepare Reply to Motion to Remand.	SNHW	0.1	350.00	\$35.00
2	8/6/13	Email from Brilliant agreeing to our extension request regarding Motion to Dismiss; forward same to Randy; email to Attorney Schweickert to prepare Stipulation; conference with Attorney Schweickert regarding [] Reply for Motion to Remand; email from Attorney Schweickert with rules regarding Stipulation and Order; review and revise draft Stipulation and Order from Attorney Schweickert and email same to Brilliant to sign and return.	SNHW	1.4	350.00	\$490.00
2	8/6/13	Emails about rescheduling hearings; research California Northern District (CAND) local rules on stipulation/notice/order requirements for same and email results to Attorney Wood; prepare stipulation to continue hearings on motion to remand and motion to dismiss	CJS	0.6	300.00	\$180.00
1	8/6/13	Analyze opposition to motion to remand and strategize response with Attorney Wood	CJS	0.2	300.00	\$60.00
2	8/7/13	Email to Brilliant regarding Stipulation (2); email from Brilliant agreeing to follow up	SNHW	0.2	350.00	\$70.00
1	8/7/13	Conference with Attorney Schweickert regarding Reply to Motion to Remand	SNHW	0.2	350.00	\$70.00
2	8/8/13	Receive signed Stipulation and Order from Brilliant via email, forward same to Randy; arrange for filing same with court; email from court with notice of filing same, forward to Randy	SNHW	0.3	350.00	\$105.00
1	8/9/13	Review Brilliant's Opposition to Motion to Remand in prep for our Reply; email to Attorney Schweickert with points for Reply	SNHW	0.7	350.00	\$245.00

2	8/9/13	Conference with and email to Attorney Schweickert regarding no response to Stipulation & Order so Motion to Dismiss Opposition still due Wed 8/14 until hear from Judge; arrange to contact judge to rule on Stipulation; telephone call to Tom T. regarding status	SNHW	0.6	350.00	\$210.00
1	8/9/13	Email from and email to Attorney Schweickert flushing out issues for Reply to Motion to Remand	SNHW	0.2	350.00	\$70.00
1	8/9/13	Begin preparing reply to opposition to motion to remand: read and analyze opposition brief arguments; review motion brief; confer with Attorney Wood to analyze arguments, distill issues, and identify research issues; research and draft arguments on diversity (research/cite pleadings), further joinder not necessary (CCP 378-379, Barak 2006 case, CACIVP ch. 2-C and 9(1)-B), untimely removal under 1446(b) vs. (c) 30-day/1-year limits (Ritchey 1998 case on no i-year limit when initial case removable); lack of evidence of citizenship for local defendants rule.	CJS	4.9	300.00	\$1,470.00
1	8/10/13	Further prepare reply brief: examine 28 USC 1446 and recent amendments, Ritchey (1998) and citing cases, and Rutter CAFEDCIVP ch. 20-7 to draft arguments about untimely removal; research and draft arguments about waiver of federal removal; email to Attorney Wood about section 1446 timeliness issues; research PrC 1220, Rutter CAFEDCIVP ch. 3-D and 5-A, and Fed. Deposit (1992) and Broadcast (1987) cases to draft argument about service accomplished and objections waived; draft argument about legal rep of estate/trust as citizen of CA and Respondents' failure to meet burdens of proof; refine issues statement; check local rules 7-3 and 7-4 on reply brief requirements; email to Attorney Wood with latest draft and question about effect of change from trustee to personal claims.	CJS	3.7	300.00	\$1,110.00
1	8/12/13	Email from Attorney Schweickert with draft Reply for Motion to Remand; email from Randy regarding status; Review and revise draft Reply; conference with Attorney Schweickert regarding same; email to Randy with near-final Reply brief	SNHW	4.4	350.00	\$1,540.00
2	8/12/13	Email from USDC with modified Stipulation and Order	SNHW	0.1	350.00	\$35.00
1	8/12/13	Confer with Attorney Wood to revise brief and prepare arguments emphasizing Respondents' failure to meet burden of proof and conflation of diversity/local defendant rules; gather additional cites to record to support arguments; research and argue 28 USC 1332(c)(2) materials applying rule on citizenship for diversity in will cases to trust cases; analyze and and argue application of 1446(b), (c) untimely removal bar; check/summarize Brown v. Tokio case holding on same; final revisions to brief; finalize TOAITOC and submit brief for filing with copy to client.	CJS	4.3	300.00	\$1,290.00

1	8/13/13	Prepare authorities binder for motion argument; research LR 5-1 and 7-3 requirements and emails to submit proposed order for motion to remand to court and chambers copy; emails with Attorney Wood and research LR's, EDL's standing orders, and universal standing orders to determine tentative ruling procedure; identify, assemble, and summarize key cases, statutes, and materials for motion authorities binder for oral argument; confer with Kim to assemble same.	CJS	2.1	300.00	\$630.00
1	8/13/13	Email from Attorney Schweickert with final Reply filed; email from USDC with notice of Reply filed and served; review final Reply---arrange to prepare binder for Motion to Remand hearing; telephone call from Randy regarding status including issues for Motion to Remand and overall strategies	SNHW	2.1	350.00	\$735.00
1	8/15/13	Email Notice from USDC with Robert Fong's consent to Magistrate Judge.	SNHW	0.1	350.00	\$35.00
1	8/22/13	Email from Randy []; email to Randy []	SNHW	1.4	350.00	\$490.00
1	8/29/13	Conference with Attorney Schweickert regarding Tentative Ruling and possible decision by USDC on Motion to Remand without hearing	SNHW	0.1	350.00	\$35.00
1	8/29/13	Strategize [] arguments for remand hearing and further fees request with Attorney Wood.	CJS	0.1	300.00	\$30.00
1	9/3/13	Prepare for hearing Motion to Remand; travel to and from hearing Motion to Remand in SF; attend hearing---matter taken under submission, though court leaning toward remand but unsure about fees; status email to Randy	SNHW	4.8	350.00	\$1,680.00
1	9/4/13	Conference with Attorney Schweickert regarding Motion to Remand	SNHW	0.1	350.00	\$35.00
2	9/16/13	Telephone call to Attorney Schweickert regarding Opposition to Motion to Dismiss due if no order on Motion to Remand; forward same to Randy and discuss same and strategy on Opposition to Motion to Dismiss---emt Attorney Schweickert regarding Opposition to Motion to Dismiss	SNHW	0.9	350.00	\$315.00
2	9/16/13	Email from USDC with Order regarding motion to Remand; review same	SNHW	0.4	350.00	\$140.00
3	9/16/13	Email to Randy and Attorney Schweickert regarding [email from USDC] and Motion for Fees	SNHW	0.4	350.00	\$140.00
2	9/16/13	Emails and voicemails with Attorney Wood to strategize opposition to motion to dismiss; prepare opposition to motion and email to Attorney Wood	CJS	0.5	300.00	\$150.00
1	9/16/13	Analyze order granting motion to remand	CJS	0.2	300.00	\$60.00
2	9/17/13	Email from Attorney Schweickert with draft Opposition to Motion to Dismiss; revise and email to Attorney Schweickert with revised Opposition and comments; arrange for filing of Opposition with USDC; email from USDC with confirmation Opposition to Motion to Dismiss filed.	SNHW	0.5	350.00	\$175.00
1	9/17/13	Email from USDC with Notice of Remand to State Court; email from and email to Randy []; telephone conference with Attorney Schweickert regarding Opposition to Motion to Dismiss	SNHW	0.3	350.00	\$105.00
3	9/17/13	Telephone conference with Attorney Schweickert regarding strategies on Motion for Fees	SNHW	0.1	350.00	\$35.00
3	9/19/13	Prepare motion for fees (confer with Attorney Wood to strategize motion; prepare points & authorities; prepare declaration)	CJS	2.1	300.00	\$630.00
3	9/20/13	Further prepare motion for fees (further prepare points & authorities and declaration of Attorney Wood; prepare fees detail breakdown)	CJS	4.3	300.00	\$1,290.00

Fong/Trust

Fees for Respondent BEEHLER's removal

**Exhibit B-1 - Sort by Chronological Entry****Page 5 of 6**

3	9/20/13 Revise and finalize Motion for Fees	SNHW	1.9	350.00	\$665.00
	Totals		<hr/> 87.6		<hr/> \$28,335.00

Fong/Trust  
 Fees for Respondent BEEHLER's removal  
**Exhibit B-2 - Sort by Category**

Categories: 1=Removal/Remand  
 2=Motion to Dismiss  
 3=Motion for Fees

Category	Date	Work	Timekeeper	Hours	Rate	Value
1	7/8/13	Email to Randy regarding [service] and notice of removal to federal court and need for legal research by Attorney Schweickert regarding fighting removal; email from US District Court regarding filing of Removal by Brilliant and Court's Order regarding Case Management Conference and ADR, forward all to Randy via email with recommendation to fight removal; telephone call from Randy regarding removal and strategies to attack; email to Randy confirming plan to attack removal; email to Attorney Schweickert regarding grounds for removal	SNHW	1.9	350.00	\$665.00
1	7/9/13	Email from and email to Attorney Schweickert regarding Motion to Remand; telephone call from Attorney Schweickert regarding Motion to Remand and allocation of tasks.	SNHW	0.5	350.00	\$175.00
1	7/9/13	Emails and confer with Attorney Wood to strategize motion to remand (understand background facts; identify grounds to remand; strategize arguments).	CJS	0.3	300.00	\$90.00
1	7/10/13	Gather State court pleadings to prepare Declaration for Motion to Remand; conference with Attorney Schweickert regarding Motion to Remand strategy; prepare Exhibits for Motion to Remand.	SNHW	1.3	350.00	\$455.00
1	7/10/13	Prepare motion to remand (confer with Attorney Wood to identify and formulate key evidence and exhibits to present via declaration and strategize grounds for remand and points & authorities).	CJS	0.8	300.00	\$240.00
1	7/11/13	Email from Brilliant regarding responsive pleading stipulation; email to Brilliant regarding same; receive notice from Brilliant regarding federal court via email; forward same to Randy.	SNHW	0.7	350.00	\$245.00
1	7/12/13	Begin to prepare Declaration in Support of Motion for Remand with Exhibits and background facts; message from Brilliant regarding Stipulation; review and sign Stipulation regarding time to respond and return to Brilliant; email to Attorney Schweickert with draft Declaration of Wood in Support of Motion	SNHW	2.4	350.00	\$840.00
1	7/12/13	Research FRCP 15, 28 USC 1447, and Rutter CA Fed Civ Pro to determine effect of extension on remand motion; emails with Attorney Wood about same and attorney's fees request in motion.	CJS	0.5	300.00	\$150.00
1	7/13/13	Continue to prepare motion to remand (prepare introduction and arguments).	CJS	0.6	300.00	\$180.00
1	7/14/13	Research and analyze grounds for remand in Rutter CA Fed Civ Pro; prepare arguments (untimely removal, local defendant, diversity of citizenship, probate abstention) and draft points & authorities; email to Attorney Wood about same.	CJS	3.4	300.00	\$1,020.00
1	7/15/13	Email from USDC with filed Stipulation regarding Response deadline; email from and email to Attorney Schweickert regarding jury demand; email from Attorney Schweickert with draft Motion for Remand.	SNHW	0.3	350.00	\$105.00

1	7/15/13	Further research grounds for remand and prepare arguments (burden of proof on respondents to prove proper removal; 28 USC 1332,1441,1442,1447 on removal/diversity/procedural defects; attorney's fees request; untimely removal; decedent's state as administrator's; federal abstention under probate exception); confer with Attorney Wood to strategize arguments.	CJS	2.8	300.00	\$840.00
1	7/16/13	Email from Attorney Schweickert with draft 2 Motion to Remand and further points to address; email from USDC with Joinder by Cindy; further revise Declaration to include residences for parties, and Cindy's joinder and email to Attorney Schweickert with same; email to Attorney Schweickert regarding Motion for Remand.	SNHW	3.3	350.00	\$1,155.00
1	7/16/13	Further prepare arguments (confer with Attorney Wood to analyze effect of Cynthia's joinder on diversity jurisdiction and refine arguments about local defendant, untimely removal, and probate exception abstention).	CJS	0.2	300.00	\$60.00
1	7/17/13	Further prepare motion to remand (revise/refine 0.00 arguments on diversity, untimely removal, local defendant, and probate exception); revise declaration of Attorney Wood and prepare exhibits; confer with Attorney Wood about arguments; Further prepare motion to remand (prepare TOA and TOC; research Judge Laporte's standing order; research local rules and conform motion to same; prepare statement of issues; prepare notice of motion; finalize declaration; finalize motion; email to Attorney Wood).	CJS	5.7	300.00	\$1,710.00
1	7/17/13	Further review and revise Declaration for Remand and email to Attorney Schweickert; email from Attorney Schweickert with revised Points & Authorities for Motion for Remand; minor revisions to P &As; email to Randy with draft Declaration and P & As for Motion for Remand for review and input.	SNHW	1.2	350.00	\$420.00
1	7/17/13	Review issue of consenting to Magistrate Judge Laporte; prepare and file Consent to Magistrate Judge; continue to review and revise Declaration and Points & Authorities for Motion for Remand; conference with Attorney Schweickert regarding same; email from USDC with notice Cynthia's Consent to Magistrate.	SNHW	3.9	350.00	\$1,365.00
1	7/18/13	Prepare declaration supporting request for attorney's fees; revise and finalize documents and exhibits for filing; confer with Attorney Wood to finalize motion.	CJS	1.6	300.00	\$480.00
1	7/18/13	Conference with Attorney Schweickert regarding Motion for Remand, including Request Judicial Notice and Proposed Order.	SNHW	0.4	350.00	\$140.00

1	7/19/13	Finalize points & authorities: refine/finalize factual statements and Wood declaration; confirm judge's standing orders and local rules regarding motion submission requirements; confer with Attorney Wood to strategize arguments and refine fact statements; prepare requests for judicial notice; add citations for Cal. PrC 1220 service and CCP 350 intitation; skim case holdings, check citations, and prepare case summary parantheticals for 26 cited cases on removal procedure and burdens of proof, diversity jurisdiction, local defendant rule, and probate exception; integrate further points, quotes, and arguments from cited cases to brief; email to Attorney Wood about revisions.	CJS	6.3	300.00	\$1,890.00
1	7/22/13	Email from Attorney Schweickert with draft 8 of Motion to Remand, Declaration of Wood and Proposed Order; review and revise all; telephone conference with Attorney Schweickert regarding final points; finalize and arrange for filing of Motion to Remand; email to Randy Motion to Remand filed; email from court Notice of filed Motion to Remand and Response deadlines.	SNHW	3.7	350.00	\$1,295.00
1	7/22/13	Finalize motion for filing (confer with Attorney Wood to strategize findings in proposed order and finalize citations and parentheticals; emails with Kim about filing and chambers copy).	CJS	0.7	300.00	\$210.00
1	8/5/13	Review opposition to motion to remand and outline reply arguments	CJS	0.3	300.00	\$90.00
1	8/5/13	Email from USDC with Brilliant's Opposition to Motion to Remand; forward same to Randy; email to Attorney Schweickert regarding prepare Reply to Motion to Remand.	SNHW	0.1	350.00	\$35.00
1	8/6/13	Analyze opposition to motion to remand and strategize response with Attorney Wood	CJS	0.2	300.00	\$60.00
1	8/7/13	Conference with Attorney Schweickert regarding Reply to Motion to Remand	SNHW	0.2	350.00	\$70.00
1	8/9/13	Review Brilliant's Opposition to Motion to Remand in prep for our Reply; email to Attorney Schweickert with points for Reply	SNHW	0.7	350.00	\$245.00
1	8/9/13	Email from and email to Attorney Schweickert flushing out issues for Reply to Motion to Remand	SNHW	0.2	350.00	\$70.00
1	8/9/13	Begin preparing reply to opposition to motion to remand: read and analyze opposition brief arguments; review motion brief; confer with Attorney Wood to analyze arguments, distill issues, and identify research issues; research and draft arguments on diversity (research/cite pleadings), further joinder not necessary (CCP 378-379, Barak 2006 case, CACIVP ch. 2-C and 9(1)-B), untimely removal under 1446(b) vs. (c) 30-day/1-year limits (Ritchey 1998 case on no i-year limit when initial case removable); lack of evidence of citizenship for local defendants rule.	CJS	4.9	300.00	\$1,470.00



1	8/10/13	Further prepare reply brief: examine 28 USC 1446 and recent amendments, Ritchey (1998) and citing cases, and Rutter CAFEDCIVP ch. 20-7 to draft arguments about untimely removal; research and draft arguments about waiver of federal removal; email to Attorney Wood about section 1446 timeliness issues; research PrC 1220, Rutter CAFEDCIVP ch. 3-D and 5-A, and Fed. Deposit (1992) and Broadcast (1987) cases to draft argument about service accomplished and objections waived; draft argument about legal rep of estate/trust as citizen of CA and Respondents' failure to meet burdens of proof; refine issues statement; check local rules 7-3 and 7-4 on reply brief requirements; email to Attorney Wood with latest draft and question about effect of change from trustee to personal claims.	CJS	3.7	300.00	\$1,110.00
1	8/12/13	Email from Attorney Schweickert with draft Reply for Motion to Remand; email from Randy regarding status; Review and revise draft Reply; conference with Attorney Schweickert regarding same; email to Randy with near-final Reply brief	SNHW	4.4	350.00	\$1,540.00
1	8/12/13	Confer with Attorney Wood to revise brief and prepare arguments emphasizing Respondents' failure to meet burden of proof and conflation of diversity/local defendant rules; gather additional cites to record to support arguments; research and argue 28 USC 1332(c)(2) materials applying rule on citizenship for diversity in will cases to trust cases; analyze and and argue application of 1446(b), (c) untimely removal bar; check/summarize Brown v. Tokio case holding on same; final revisions to brief; finalize TOAITOC and submit brief for filing with copy to client.	CJS	4.3	300.00	\$1,290.00
1	8/13/13	Prepare authorities binder for motion argument; research LR 5-1 and 7-3 requirements and emails to submit proposed order for motion to remand to court and chambers copy; emails with Attorney Wood and research LR's, EDL's standing orders, and universal standing orders to determine tentative ruling procedure; identify, assemble, and summarize key cases, statutes, and materials for motion authorities binder for oral argument; confer with Kim to assemble same.	CJS	2.1	300.00	\$630.00
1	8/13/13	Email from Attorney Schweickert with final Reply filed; email from USDC with notice of Reply filed and served; review final Reply---arrange to prepare binder for Motion to Remand hearing; telephone call from Randy regarding status including issues for Motion to Remand and overall strategies	SNHW	2.1	350.00	\$735.00
1	8/15/13	Email Notice from USDC with Robert Fong's consent to Magistrate Judge.	SNHW	0.1	350.00	\$35.00
1	8/22/13	Email from Randy []; email to Randy []	SNHW	1.4	350.00	\$490.00
1	8/29/13	Conference with Attorney Schweickert regarding Tentative Ruling and possible decision by USDC on Motion to Remand without hearing	SNHW	0.1	350.00	\$35.00
1	8/29/13	Strategize [] arguments for remand hearing and further fees request with Attorney Wood.	CJS	0.1	300.00	\$30.00
1	9/3/13	Prepare for hearing Motion to Remand; travel to and from hearing Motion to Remand in SF; attend hearing---matter taken under submission, though court leaning toward remand but unsure about fees; status email to Randy	SNHW	4.8	350.00	\$1,680.00

Fong/Trust  
Fees for Respondent BEEHLER's removal

**Exhibit B-2 - Sort by Category**



1	9/4/13	Conference with Attorney Schweickert regarding Motion to Remand	SNHW	0.1	350.00	\$35.00
1	9/16/13	Analyze order granting motion to remand	CJS	0.2	300.00	\$60.00
1	9/17/13	Email from USDC with Notice of Remand to State Court; email from and email to Randy []; telephone conference with Attorney Schweickert regarding Opposition to Motion to Dismiss	SNHW	0.3	350.00	\$105.00
Total				<u>72.8</u>	<u>#####</u>	
2	8/5/13	Strategize reponse to motion to dismiss and hearing continuance issues with Attorney Wood and research CAND local rules (Rutter CAFEDCIVP ch. 12-C) on response deadline and continuance procedure	CJS	0.3	300.00	\$90.00
2	8/5/13	Email notice from United States District Court (USDC) of Pat's filing Motion to Dismiss Second Amended Petition (SAP); email from Brilliant requesting continuance of Motion to Remand hearing; conference with Attorney Schweickert regarding response to Motion to Dismiss; email to Brilliant with stipulation to continue and request continuance Motion to Dismiss deadlines and hearing; email to Randy regarding same	SNHW	0.2	350.00	\$70.00
2	8/6/13	Email from Brilliant agreeing to our extension request regarding Motion to Dismiss; forward same to Randy; email to Attorney Schweickert to prepare Stipulation; conference with Attorney Schweickert regarding [] Reply for Motion to Remand; email from Attorney Schweickert with rules regarding Stipulation and Order; review and revise draft Stipulation and Order from Attorney Schweickert and email same to Brilliant to sign and return.	SNHW	1.4	350.00	\$490.00
2	8/6/13	Emails about rescheduling hearings; research California Northern District (CAND) local rules on stipulation/notice/order requirements for same and email results to Attorney Wood; prepare stipulation to continue hearings on motion to remand and motion to dismiss	CJS	0.6	300.00	\$180.00
2	8/7/13	Email to Brilliant regarding Stipulation (2); email from Brilliant agreeing to follow up	SNHW	0.2	350.00	\$70.00
2	8/8/13	Receive signed Stipulation and Order from Brilliant via email, forward same to Randy; arrange for filing same with court; email from court with notice of filing same, forward to Randy	SNHW	0.3	350.00	\$105.00
2	8/9/13	Conference with and email to Attorney Schweickert regarding no response to Stipulation & Order so Motion to Dismiss Opposition still due Wed 8/14 until hear from Judge; arrange to contact judge to rule on Stipulation; telephone call to Tom T. regarding status	SNHW	0.6	350.00	\$210.00
2	8/12/13	Email from USDC with modified Stipulation and Order	SNHW	0.1	350.00	\$35.00
2	9/16/13	Telephone call to Attorney Schweickert regarding Opposition to Motion to Dismiss due if no order on Motion to Remand; forward same to Randy and discuss same and strategy on Opposition to Motion to Dismiss---emt Attorney Schweickert regarding Opposition to Motion to Dismiss	SNHW	0.9	350.00	\$315.00
2	9/16/13	Email from USDC with Order regarding motion to Remand; review same	SNHW	0.4	350.00	\$140.00

Fong/Trust  
Fees for Respondent BEEHLER's removal

**Exhibit B-2 - Sort by Category**

2	9/16/13	Emails and voicemails with Attorney Wood to strategize opposition to motion to dismiss; prepare opposition to motion and email to Attorney Wood	CJS	0.5	300.00	\$150.00
2	9/17/13	Email from Attorney Schweickert with draft Opposition to Motion to Dismiss; revise and email to Attorney Schweickert with revised Opposition and comments; arrange for filing of Opposition with USDC; email from USDC with confirmation Opposition to Motion to Dismiss filed.	SNHW	0.5	350.00	\$175.00
<b>Total</b>				<u>6.0</u>		<u>\$2,030.00</u>
3	9/16/13	Email to Randy and Attorney Schweickert regarding [email from USDC] and Motion for Fees	SNHW	0.4	350.00	\$140.00
3	9/17/13	Telephone conference with Attorney Schweickert regarding strategies on Motion for Fees	SNHW	0.1	350.00	\$35.00
3	9/19/13	Prepare motion for fees (confer with Attorney Wood to strategize motion; prepare points & authorities; prepare declaration)	CJS	2.1	300.00	\$630.00
3	9/20/13	Revise and finalize Motion for Fees	SNHW	1.9	350.00	\$665.00
3	9/20/13	Further prepare motion for fees (further prepare points & authorities and declaration of Attorney Wood; prepare fees detail breakdown)	CJS	4.3	300.00	\$1,290.00
<b>Total</b>				<u>8.8</u>		<u>\$2,760.00</u>

Fong/Trust  
 Fees for Respondent BEEHLER's removal  
**Exhibit B-3 - Sort by Attorney**

Categories: 1=Removal/Remand  
 2=Motion to Dismiss  
 3=Motion for Fees

Category	Date	Work	Timekeeper	Hours	Rate	Value
1	7/8/13	Email to Randy regarding [service] and notice of removal to federal court and need for legal research by Attorney Schweickert regarding fighting removal; email from US District Court regarding filing of Removal by Brilliant and Court's Order regarding Case Management Conference and ADR, forward all to Randy via email with recommendation to fight removal; telephone call from Randy regarding removal and strategies to attack; email to Randy confirming plan to attack removal; email to Attorney Schweickert regarding grounds for removal	SNHW	1.9	350.00	\$665.00
1	7/9/13	Email from and email to Attorney Schweickert regarding Motion to Remand; telephone call from Attorney Schweickert regarding Motion to Remand and allocation of tasks.	SNHW	0.5	350.00	\$175.00
1	7/10/13	Gather State court pleadings to prepare Declaration for Motion to Remand; conference with Attorney Schweickert regarding Motion to Remand strategy; prepare Exhibits for Motion to Remand.	SNHW	1.3	350.00	\$455.00
1	7/11/13	Email from Brilliant regarding responsive pleading stipulation; email to Brilliant regarding same; receive notice from Brilliant regarding federal court via email; forward same to Randy.	SNHW	0.7	350.00	\$245.00
1	7/12/13	Begin to prepare Declaration in Support of Motion for Remand with Exhibits and background facts; message from Brilliant regarding Stipulation; review and sign Stipulation regarding time to respond and return to Brilliant; email to Attorney Schweickert with draft Declaration of Wood in Support of Motion	SNHW	2.4	350.00	\$840.00
1	7/15/13	Email from USDC with filed Stipulation regarding Response deadline; email from and email to Attorney Schweickert regarding jury demand; email from Attorney Schweickert with draft Motion for Remand.	SNHW	0.3	350.00	\$105.00
1	7/16/13	Email from Attorney Schweickert with draft 2 Motion to Remand and further points to address; email from USDC with Joinder by Cindy; further revise Declaration to include residences for parties, and Cindy's joinder and email to Attorney Schweickert with same; email to Attorney Schweickert regarding Motion for Remand.	SNHW	3.3	350.00	\$1,155.00
1	7/17/13	Further review and revise Declaration for Remand and email to Attorney Schweickert; email from Attorney Schweickert with revised Points & Authorities for Motion for Remand; minor revisions to P &As; email to Randy with draft Declaration and P & As for Motion for Remand for review and input.	SNHW	1.2	350.00	\$420.00
1	7/17/13	Review issue of consenting to Magistrate Judge Laporte; prepare and file Consent to Magistrate Judge; continue to review and revise Declaration and Points & Authorities for Motion for Remand; conference with Attorney Schweickert regarding same; email from USDC with notice Cynthia's Consent to Magistrate.	SNHW	3.9	350.00	\$1,365.00
1	7/18/13	Conference with Attorney Schweickert regarding Motion for Remand, including Request Judicial Notice and Proposed Order.	SNHW	0.4	350.00	\$140.00

Fong/Trust  
 Fees for Respondent BEEHLER's removal

**Exhibit B-3 - Sort by Attorney**

1	7/22/13	Email from Attorney Schweickert with draft 8 of Motion to Remand, Declaration of Wood and Proposed Order; review and revise all; telephone conference with Attorney Schweickert regarding final points; finalize and arrange for filing of Motion to Remand; email to Randy Motion to Remand filed; email from court Notice of filed Motion to Remand and Response deadlines.	SNHW	3.7	350.00	\$1,295.00
1	8/5/13	Email from USDC with Brilliant's Opposition to Motion to Remand; forward same to Randy; email to Attorney Schweickert regarding prepare Reply to Motion to Remand.	SNHW	0.1	350.00	\$35.00
1	8/7/13	Conference with Attorney Schweickert regarding Reply to Motion to Remand	SNHW	0.2	350.00	\$70.00
1	8/9/13	Review Brilliant's Opposition to Motion to Remand in prep for our Reply; email to Attorney Schweickert with points for Reply	SNHW	0.7	350.00	\$245.00
1	8/9/13	Email from and email to Attorney Schweickert flushing out issues for Reply to Motion to Remand	SNHW	0.2	350.00	\$70.00
1	8/12/13	Email from Attorney Schweickert with draft Reply for Motion to Remand; email from Randy regarding status; Review and revise draft Reply; conference with Attorney Schweickert regarding same; email to Randy with near-final Reply brief	SNHW	4.4	350.00	\$1,540.00
1	8/13/13	Email from Attorney Schweickert with final Reply filed; email from USDC with notice of Reply filed and served; review final Reply---arrange to prepare binder for Motion to Remand hearing; telephone call from Randy regarding status including issues for Motion to Remand and overall strategies	SNHW	2.1	350.00	\$735.00
1	8/15/13	Email Notice from USDC with Robert Fong's consent to Magistrate Judge.	SNHW	0.1	350.00	\$35.00
1	8/22/13	Email from Randy []; email to Randy []	SNHW	1.4	350.00	\$490.00
1	8/29/13	Conference with Attorney Schweickert regarding Tentative Ruling and possible decision by USDC on Motion to Remand without hearing	SNHW	0.1	350.00	\$35.00
1	9/3/13	Prepare for hearing Motion to Remand; travel to and from hearing Motion to Remand in SF; attend hearing---matter taken under submission, though court leaning toward remand but unsure about fees; status email to Randy	SNHW	4.8	350.00	\$1,680.00
1	9/4/13	Conference with Attorney Schweickert regarding Motion to Remand	SNHW	0.1	350.00	\$35.00
1	9/17/13	Email from USDC with Notice of Remand to State Court; email from and email to Randy []; telephone conference with Attorney Schweickert regarding Opposition to Motion to Dismiss	SNHW	0.3	350.00	\$105.00
2	8/5/13	Email notice from United States District Court (USDC) of Pat's filing Motion to Dismiss Second Amended Petition (SAP); email from Brilliant requesting continuance of Motion to Remand hearing; conference with Attorney Schweickert regarding response to Motion to Dismiss; email to Brilliant with stipulation to continue and request continuance Motion to Dismiss deadlines and hearing; email to Randy regarding same	SNHW	0.2	350.00	\$70.00

2	8/6/13	Email from Brilliant agreeing to our extension request regarding Motion to Dismiss; forward same to Randy; email to Attorney Schweickert to prepare Stipulation; conference with Attorney Schweickert regarding [] Reply for Motion to Remand; email from Attorney Schweickert with rules regarding Stipulation and Order; review and revise draft Stipulation and Order from Attorney Schweickert and email same to Brilliant to sign and return.	SNHW	1.4	350.00	\$490.00
2	8/7/13	Email to Brilliant regarding Stipulation (2); email from Brilliant agreeing to follow up	SNHW	0.2	350.00	\$70.00
2	8/8/13	Receive signed Stipulation and Order from Brilliant via email, forward same to Randy; arrange for filing same with court; email from court with notice of filing same, forward to Randy	SNHW	0.3	350.00	\$105.00
2	8/9/13	Conference with and email to Attorney Schweickert regarding no response to Stipulation & Order so Motion to Dismiss Opposition still due Wed 8/14 until hear from Judge; arrange to contact judge to rule on Stipulation; telephone call to Tom T. regarding status	SNHW	0.6	350.00	\$210.00
2	8/12/13	Email from USDC with modified Stipulation and Order	SNHW	0.1	350.00	\$35.00
2	9/16/13	Telephone call to Attorney Schweickert regarding Opposition to Motion to Dismiss due if no order on Motion to Remand; forward same to Randy and discuss same and strategy on Opposition to Motion to Dismiss---emt Attorney Schweickert regarding Opposition to Motion to Dismiss	SNHW	0.9	350.00	\$315.00
2	9/16/13	Email from USDC with Order regarding motion to Remand; review same	SNHW	0.4	350.00	\$140.00
2	9/17/13	Email from Attorney Schweickert with draft Opposition to Motion to Dismiss; revise and email to Attorney Schweickert with revised Opposition and comments; arrange for filing of Opposition with USDC; email from USDC with confirmation Opposition to Motion to Dismiss filed.	SNHW	0.5	350.00	\$175.00
3	9/16/13	Email to Randy and Attorney Schweickert regarding [email from USDC] and Motion for Fees	SNHW	0.4	350.00	\$140.00
3	9/17/13	Telephone conference with Attorney Schweickert regarding strategies on Motion for Fees	SNHW	0.1	350.00	\$35.00
3	9/20/13	Revise and finalize Motion for Fees	SNHW	1.9	350.00	\$665.00
<b>Total</b>				<u>41.1</u>		<u>\$14,385.00</u>
1	7/9/13	Emails and confer with Attorney Wood to strategize motion to remand (understand background facts; identify grounds to remand; strategize arguments).	CJS	0.3	300.00	\$90.00
1	7/10/13	Prepare motion to remand (confer with Attorney Wood to identify and formulate key evidence and exhibits to present via declaration and strategize grounds for remand and points & authorities).	CJS	0.8	300.00	\$240.00
1	7/12/13	Research FRCP 15, 28 USC 1447, and Rutter CA Fed Civ Pro to determine effect of extension on remand motion; emails with Attorney Wood about same and attorney's fees request in motion.	CJS	0.5	300.00	\$150.00
1	7/13/13	Continue to prepare motion to remand (prepare introduction and arguments).	CJS	0.6	300.00	\$180.00
1	7/14/13	Research and analyze grounds for remand in Rutter CA Fed Civ Pro; prepare arguments (untimely removal, local defendant, diversity of citizenship, probate abstention) and draft points & authorities; email to Attorney Wood about same. Fong/Trust	CJS	3.4	300.00	\$1,020.00

Fees for Respondent BEEHLER's removal

**Exhibit B-3 - Sort by Attorney**

1	7/15/13	Further research grounds for remand and prepare arguments (burden of proof on respondents to prove proper removal; 28 USC 1332,1441,1442,1447 on removal/diversity/procedural defects; attorney's fees request; untimely removal; decedent's state as administrator's; federal abstention under probate exception); confer with Attorney Wood to strategize arguments.	CJS	2.8	300.00	\$840.00
1	7/16/13	Further prepare arguments (confer with Attorney Wood to analyze effect of Cynthia's joinder on diversity jurisdiction and refine arguments about local defendant, untimely removal, and probate exception abstention).	CJS	0.2	300.00	\$60.00
1	7/17/13	Further prepare motion to remand (revise/refine 0.00 arguments on diversity, untimely removal, local defendant, and probate exception); revise declaration of Attorney Wood and prepare exhibits; confer with Attorney Wood about arguments; Further prepare motion to remand (prepare TOA and TOC; research Judge Laporte's standing order; research local rules and conform motion to same; prepare statement of issues; prepare notice of motion; finalize declaration; finalize motion; email to Attorney Wood).	CJS	5.7	300.00	\$1,710.00
1	7/18/13	Prepare declaration supporting request for attorney's fees; revise and finalize documents and exhibits for filing; confer with Attorney Wood to finalize motion.	CJS	1.6	300.00	\$480.00
1	7/19/13	Finalize points & authorities: refine/finalize factual statements and Wood declaration; confirm judge's standing orders and local rules regarding motion submission requirements; confer with Attorney Wood to strategize arguments and refine fact statements; prepare requests for judicial notice; add citations for Cal. PrC 1220 service and CCP 350 intitation; skim case holdings, check citations, and prepare case summary parantheticals for 26 cited cases on removal procedure and burdens of proof, diversity jurisdiction, local defendant rule, and probate exception; integrate further points, quotes, and arguments from cited cases to brief; email to Attorney Wood about revisions.	CJS	6.3	300.00	\$1,890.00
1	7/22/13	Finalize motion for filing (confer with Attorney Wood to strategize findings in proposed order and finalize citations and parentheticals; emails with Kim about filing and chambers copy).	CJS	0.7	300.00	\$210.00
1	8/5/13	Review opposition to motion to remand and outline reply arguments	CJS	0.3	300.00	\$90.00
1	8/6/13	Analyze opposition to motion to remand and strategize response with Attorney Wood	CJS	0.2	300.00	\$60.00
1	8/9/13	Begin preparing reply to opposition to motion to remand: read and analyze opposition brief arguments; review motion brief; confer with Attorney Wood to analyze arguments, distill issues, and identify research issues; research and draft arguments on diversity (research/cite pleadings), further joinder not necessary (CCP 378-379, Barak 2006 case, CACIVP ch. 2-C and 9(1)-B), untimely removal under 1446(b) vs. (c) 30-day/1-year limits (Ritchey 1998 case on no i-year limit when initial case removable); lack of evidence of citizenship for local defendants rule.	CJS	4.9	300.00	\$1,470.00

1	8/10/13	Further prepare reply brief: examine 28 USC 1446 and recent amendments, Ritchey (1998) and citing cases, and Rutter CAFEDCIVP ch. 20-7 to draft arguments about untimely removal; research and draft arguments about waiver of federal removal; email to Attorney Wood about section 1446 timeliness issues; research PrC 1220, Rutter CAFEDCIVP ch. 3-D and 5-A, and Fed. Deposit (1992) and Broadcast (1987) cases to draft argument about service accomplished and objections waived; draft argument about legal rep of estate/trust as citizen of CA and Respondents' failure to meet burdens of proof; refine issues statement; check local rules 7-3 and 7-4 on reply brief requirements; email to Attorney Wood with latest draft and question about effect of change from trustee to personal claims.	CJS	3.7	300.00	\$1,110.00
1	8/12/13	Confer with Attorney Wood to revise brief and prepare arguments emphasizing Respondents' failure to meet burden of proof and conflation of diversity/local defendant rules; gather additional cites to record to support arguments; research and argue 28 USC 1332(c)(2) materials applying rule on citizenship for diversity in will cases to trust cases; analyze and and argue application of 1446(b), (c) untimely removal bar; check/summarize Brown v. Tokio case holding on same; final revisions to brief; finalize TOA/TOC and submit brief for filing with copy to client.	CJS	4.3	300.00	\$1,290.00
1	8/13/13	Prepare authorities binder for motion argument; research LR 5-1 and 7-3 requirements and emails to submit proposed order for motion to remand to court and chambers copy; emails with Attorney Wood and research LR's, EDL's standing orders, and universal standing orders to determine tentative ruling procedure; identify, assemble, and summarize key cases, statutes, and materials for motion authorities binder for oral argument; confer with Kim to assemble same.	CJS	2.1	300.00	\$630.00
1	8/29/13	Strategize [] arguments for remand hearing and further fees request with Attorney Wood.	CJS	0.1	300.00	\$30.00
1	9/16/13	Analyze order granting motion to remand	CJS	0.2	300.00	\$60.00
2	8/5/13	Strategize reponse to motion to dismiss and hearing continuance issues with Attorney Wood and research CAND local rules (Rutter CAFEDCIVP ch. 12-C) on response deadline and continuance procedure	CJS	0.3	300.00	\$90.00
2	8/6/13	Emails about rescheduling hearings; research California Northern District (CAND) local rules on stipulation/notice/order requirements for same and email results to Attorney Wood; prepare stipulation to continue hearings on motion to remand and motion to dismiss	CJS	0.6	300.00	\$180.00
2	9/16/13	Emails and voicemails with Attorney Wood to strategize opposition to motion to dismiss; prepare opposition to motion and email to Attorney Wood	CJS	0.5	300.00	\$150.00
3	9/19/13	Prepare motion for fees (confer with Attorney Wood to strategize motion; prepare points & authorities; prepare declaration)	CJS	2.1	300.00	\$630.00
3	9/20/13	Further prepare motion for fees (further prepare points & authorities and declaration of Attorney Wood; prepare fees detail breakdown)	CJS	4.3	300.00	\$1,290.00
<b>Total</b>				<hr/> 46.5		<hr/> \$13,950.00

Fong/Trust  
Fees for Respondent BEEHLER's removal

**Exhibit B-3 - Sort by Attorney**



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Attorneys for Petitioner RANDOLPH FONG

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

In the Matter of the FONG FAMILY  
 LIVING TRUST dated June 15, 1993

Case No. C13-03021 EDL

**[Proposed] ORDER FOR FEES FOR  
 REMAND REMAND**

RANDOLPH FONG, Beneficiary,  
  
 Petitioner,  
  
 vs.

Date: October 29, 2013  
 Time: 9:00 a.m.  
 Courtroom: Courtroom E – 15th Floor  
 Judge: Honorable Elizabeth D. Laporte

PATRICIA BEEHLER, as Co-Trustee  
 and individually; and ROBERT FONG,  
 as Co-Trustee and individually,  
  
 Respondents.

The motion by petitioner RANDOLPH FONG for fees for remand of this case to the California state probate court following Respondent PATRICIA BEEHLER's removal came on regularly for hearing on October 29, 2013, Judge Elizabeth Laporte, presiding. Petitioner RANDOLPH FONG appeared by attorney Steven N. H. Wood, Esq. Co-Petitioner CYNTHIA FONG appeared by attorney Thomas C. Tagliarini, Esq. Respondents PATRICIA BEEHLER and ROBERT FONG appeared by attorney David Brilliant, Esq.



After reviewing the moving and opposition papers, and evidence and argument submitted by counsel, and upon proof being made to the satisfaction of the court, and good cause appearing therefor,

THE COURT FINDS:

1. Petitioner RANDOLPH FONG incurred \$\_\_\_\_\_ in fees relating to Respondent PATRICIA BEEHLER's removal.

IT IS HEREBY ORDERED THAT:

1. Respondent PATRICIA BEEHLER shall pay the sum of \$\_\_\_\_\_ to Petitioner RANDOLPH FONG as just costs and expenses incurred as a result of the removal (28 U.S.C. § 1447(c)).

Dated: \_\_\_\_\_, 2013

UNITED STATES MAGISTRATE JUDGE